DOCUMENT RESUME

ED 228 705 EA 015 553

TITLE Statement on the Fiscal Year 1983 Education Budget. Clearinghouse Publication 73.
INSTITUTION Commission on Civil Rights, Washington, D.C.
PUB DATE Oct 82
NOTE 28p.; Footnotes may reproduce poorly due to small print of original document.
PUB TYPE Viewpoints (120) -- Reports - Descriptive (141)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Block Grants; *Budgets; Educational Opportunities; Elementary Secondary Education; *Equal Education; *Federal Aid; *Federal Programs; Government Role; Higher Education; Program Descriptions; Resource Allocation
IDENTIFIERS Reagan Administration

ABSTRACT

In this statement, the U.S. Commission on Civil Rights assesses the potential effects on equal educational opportunity of the Reagan Administration's proposed budget for fiscal year (FY) 1983. The statement briefly reviews the past federal role in achieving equal educational opportunity and then discusses proposals in the FY 1983 budget to change to block grants and/or reduce federal expenditures for specific programs in elementary, secondary, and higher education. The commission argues that the budget will diminish the federal role in ensuring equal educational opportunity. A lengthy appendix provides brief descriptions of programs that have helped in achieving equal educational opportunity but that are earmarked for either funding reductions or changes to block grants. Seven elementary and secondary programs are examined, including aid to disadvantaged children, civil rights assistance, and bilingual, handicapped, women's, and American Indian education. Thirteen higher education programs are reviewed, including educational opportunity grants, student loans, institutional development aid, programs for disadvantaged students, graduate and professional opportunities, land-grant and minority institutions, and migrant education. (RW)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

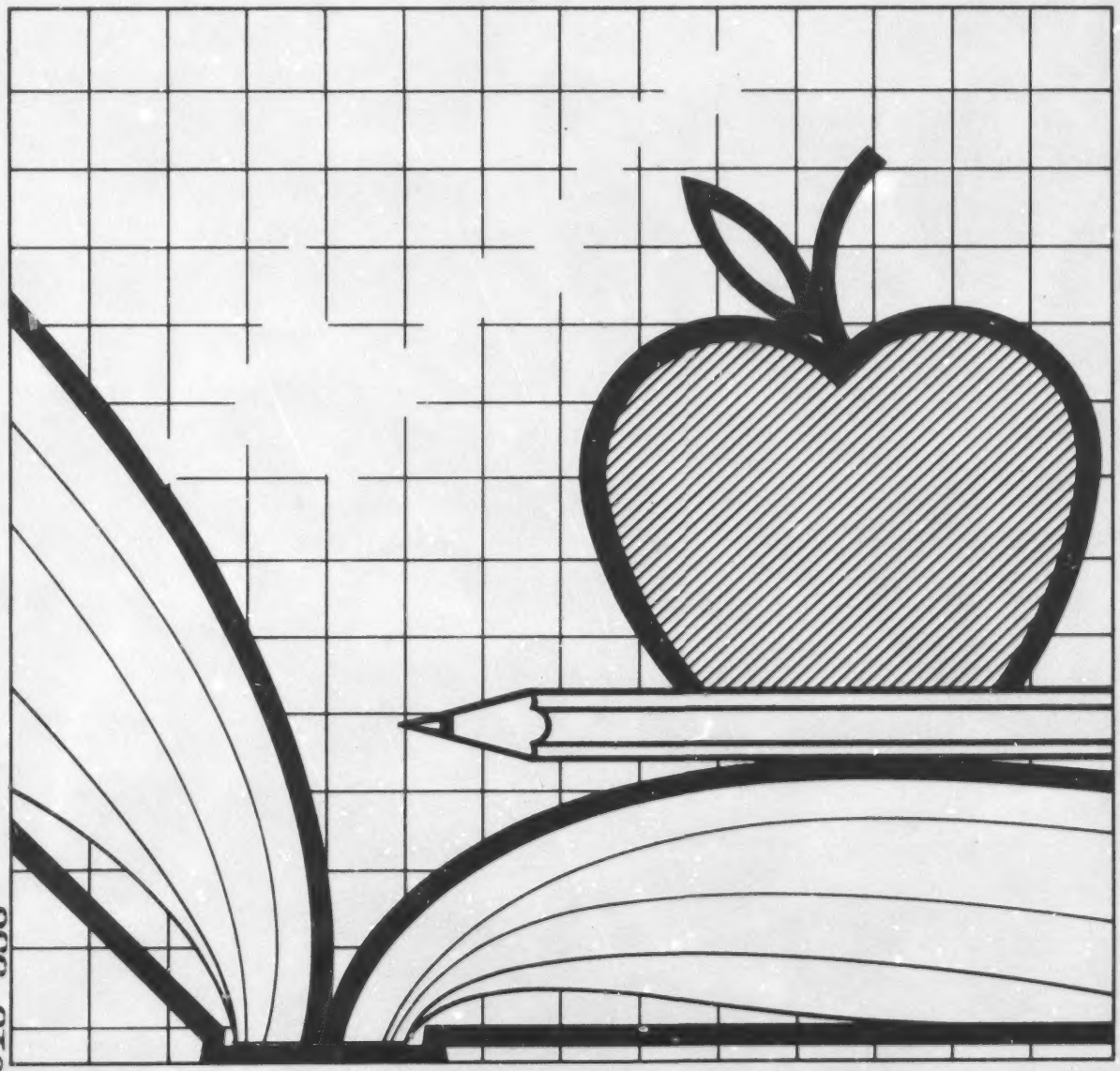
• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

Statement on the Fiscal Year 1983 Education Budget

ED228705

United States Commission on Civil Rights
Clearinghouse Publication 73

October 1982



EA 015 553

U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is a temporary independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, handicap, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin;
- Submit reports, findings, and recommendations to the President and the Congress.

MEMBERS OF THE COMMISSION

Clarence M. Pendleton, Jr., *Chairman*
Mary Louise Smith, *Vice Chairman*
Mary Frances Berry
Blandina Cardenas Ramirez
Jill S. Ruckelshaus
Murray Saltzman

John Hope III, *Acting Staff Director*

Acknowledgments

This statement was written by Karen McGill Arrington, education monitor, and Sally Knack, project director, under the supervision of Ronald D. Henderson, Division Chief. The staff is indebted to the entire support staff of the Office of Program and Policy Review.

Eugene Platt edited the statement. Final preparations for publication were handled by Vivian Washington, Vivian Hauser, and Audree Holton.

The statement was prepared under the overall supervision of Caroline Davis Gleiter, Assistant Staff Director, Office of Program and Policy Review.

Contents

Statement 1

Appendix

Elementary and Secondary Programs

Title I 6

Emergency School Aid Act 7

Civil Rights Technical Assistance and Training Program 8

Bilingual Education 9

Education of the Handicapped Act 9

Women's Educational Equity 10

Indian Education 10

Higher Education Programs

Pell Grants 11

Supplemental Educational Opportunity Grants 12

State Student Incentive Grant Program 13

Guaranteed Student Loan Program 14

National Direct Student Loans 15

College Work-Study Program 16

Strengthening Developing Institutions Program 17

Special Programs for Disadvantaged Students (TRIO) 18

Legal Training for the Disadvantaged 19

Graduate and Professional Opportunities Program 21

Land-Grant Colleges and Universities 21

Minority Institutions Science Improvement Program 22

Migrant Education 23

Table A.1 Appropriations for TRIO Programs, FY 1981–FY 1983 20

Statement on the Fiscal Year 1983 Education Budget

More than a century ago, the Federal Government "declared a constitutional promise of equality" for all Americans as it began the process of eradicating the effects of slavery.[1] This declaration remained only a promise, however, until the Federal Government came to realize in the 1960s the need to take concerted action to fulfill this pledge. Congress then set in motion a strong Federal enforcement mechanism to protect legal and political rights and established numerous programs to overcome the effects of discrimination that had become institutionalized, deeply ingrained badges and incidents of slavery.[2] The need for direct Federal involvement was evident as States defaulted in their responsibility to meet the needs of minority citizens.

In no area was this manifest more unequivocally than education. Following the 1954 *Brown v. Board of Education*[3] decision, several pieces of legislation were enacted to ensure the equality of educational opportunity long denied many students. Congress passed laws forbidding discrimination in education programs receiving Federal financial assistance. It also established new programs to provide elementary and secondary school districts with financial and technical assistance to end segregation and to address the special needs of educationally deprived children, many of whom had suffered under segregated systems.[4] Later, programs were adopted to guarantee equality of educational opportunity for girls and women, children with limited English proficiency, and handicapped persons. In implementing these laws, the Federal Government recognized the fundamental importance of education to American society: "Simply stated, we must guarantee to the young people of this Nation their constitutional right to equal opportunity; and the foundation of all equal opportunity is good schools."[5] The school was seen as the "principal value-bearing institution which at one time or another touches everyone in our society" and is "crucial in determining what kind of country this is to be."[6]

This view of the importance of education was not limited to elementary and secondary levels. In the mid-1960s, major federally supported higher education programs were enacted to provide student financial assistance, strengthen traditionally black institutions of higher learning, and help colleges and universities generally to identify, attract, and help disadvantaged students to reach their academic potential. When the executive branch sent to Congress these proposals for higher education assis-

[1] For a thorough discussion, see U.S., Commission on Civil Rights, *Civil Rights: A National, Not a Special Interest*, (1981) (hereafter cited as *Civil Rights: A National, Not a Special Interest*). The 13th amendment proclaimed the end of the institution of slavery and included a section that provided, "Congress shall have power to enforce this article by appropriate legislation." The 14th amendment was designed to prevent the abridgement of the privileges and immunities of national citizenship, the deprivation of "life, liberty and property without due process of law" of any person, and the denial of "equal protection of the laws." The 15th amendment sought to guarantee blacks the right to vote.

[2] Ibid., p. 48.

[3] 347 U.S. 483 (1954).

[4] *Civil Rights: A National, Not a Special Interest*, pp. 34–48, 52–65.

[5] 111 CONG. REC. 7328 (1965) (remarks of Sen. Joseph Montoya).

[6] U.S., Commission on Civil Rights, *Racial Isolation in the Public Schools, Summary of a Report* (1967), supplementary statement by Commissioner Frankie M. Freeman, p. 214.

tance, which later became part of the Higher Education Act of 1965, they were seen as a declaration setting a national goal for full educational opportunity.

> Every child must be encouraged to get as much education as he has the ability to take. We want this not only for his sake—but for the nation's sake. Nothing matters more to the future of our country: not our military preparedness—for armed might is worthless if we lack the brain power to build a world of peace; not our productive economy—for we cannot sustain growth without trained manpower; not our democratic system of government—for freedom is fragile if citizens are ignorant.[7]

Congress echoed these sentiments in 1980 when it passed the Higher Education Amendments to reauthorize and improve many of the original programs. Congress reiterated then that "[a] fundamental theme of Federal support for postsecondary education is assistance to achieve the goal of equal educational opportunity."[8] The Federal Government should not abandon this long-held commitment.

Numerous reductions and changes in education programs, however, are now being proposed. These measures will undermine the ability of many of today's students to pursue an education. Equally seriously, they will affect the ability of tomorrow's jobseekers to find satisfying, remunertive employment. Individuals with higher educational attainment earn on the average more than those with less schooling.[9] A college education also helps to close the earnings gap between minorities and women and majority men.[10] Similarly, persons with more education are more likely to be employed in higher status professional and managerial occupations.[11] Thus, both the acquisition of knowledge and the long-term educational benefits that accrue to individuals and to society as a whole will be adversely affected by the proposed program changes and budget cuts.

In assessing the potential effects of the administration's FY 1983 budget, we have examined carefully several specific proposals. In elementary and secondary education, the budget provides for expansion of existing block grants created in 1981 and formation of additional block grants. The additional block grants would especially affect the handicapped. Two large grants now authorized under the Education of the Handicapped Act along with the Title I program for institutionalized handicapped children would be consolidated into a special education block grant.[12] In addition, 10 smaller programs for education of handicapped children would become a "Special Purpose Fund Block Grant."[13] The Education for All Handicapped Children Act of 1975, as amended,[14] provides that to qualify for Federal financial assistance States must have "in effect a policy that assures all handicapped children the right to a free appropriate education."[15] Further, "all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services" are to be identified, located, evaluated, and provided full educational opportunity.[16] It is unclear at this time whether the handicapped education regulations will apply to the proposed block grant and thus whether the "pregrant" requirements will be eliminated. However, in the administration's unsuccessful attempt to include handicapped education in the block grant last year, a total repeal of the Education for All Handicapped Children Act was proposed.[17] At the very least, the administration is in the process

[7] Lyndon B. Johnson, Special Message to the Congress: "Toward Full Educational Opportunity," PUB. PAPERS 25, 26 (Jan. 12, 1965).

[8] H.R. REP. No. 520, 96th Cong., 2d Sess., *reprinted in* [1980] U.S. CODE CONG. & AD. NEWS 3141, 3144.

[9] Gary S. Becker, *Human Capital*, 2d ed. (New York: National Bureau of Economic Research, 1975), and Jacob Mincer, *Schooling, Experiences, and Earnings* (New York: National Bureau of Economic Research, 1974).

[10] U.S., Commission on Civil Rights, *Social Indicators of Equality for Minorities and Women* (1978), p. 24. The earnings differential between college-educated minorities and women and majority men has declined substantially over the past two decades. However, because of continuing discrimination in the job market, an earnings gap persists.

[11] Margaret S. Gordon, "The Changing Labor Market for College Graduates," in *Higher Education and the Labor Market*, ed. Margaret S. Gordon (New York: McGraw-Hill, 1974), pp. 27–81.

[12] U.S., Department of Education/Foundation for Education Assistance, *The Fiscal Year 1983 Budget* (1982), p. 30 (hereafter cited as *The Fiscal Year 1983 Budget*). (The administration proposes replacement of the Department of Education with the Foundation for Education Assistance.)

[13] Ibid.

[14] Pub. L. No. 94–42, 89 Stat. 773 (codified at 20 U.S.C. §§1401–61 (1976, Supp. III 1979 and Supp. IV 1980)).

[15] *Id.* at §1411(1).

[16] *Id.* at §1411(2)(A).

[17] U.S., Department of Education, Proposed Elementary and Secondary Education Consolidation Act of 1981, Section-by-Section Analysis, p. 10. (As of Apr. 22, 1982, the proposed legislation consolidating handicapped education programs was under review by the Office of Management and Budget and the Department of Justice.)

of reviewing the current regulations and substantial changes are being proposed.[18] Further, the proposed FY 1983 budget would set the total funding level of these programs, as consolidated, at $845 million, a 39 percent reduction from the FY 1981 level of $1.177 billion.[19]

The proposed FY 1983 budget would expand the existing block grant for improving school programs and, at the same time, reduce the funding level. Thirty categorical programs were funded at $614 million in the FY 1981 final appropriation. Twenty of these programs were consolidated in FY 1982, and an additional five are to be consolidated under the block grant in FY 1983. The total funding level for the 25 programs in the block grant and the 5 remaining categorical programs would be $433 million in FY 1983, a reduction of 30 percent.[20] The result will be more competition at the State level for less money among those programs that have been consolidated under block grants. Further, the State education agencies and local education agencies will have total discretion in allocating the block grant funds to the various programs. This raises concern that programs which benefit women and minorities will not receive the financial support at the local level that they received from the Federal Government.[21]

Federal involvement in education was expanded during the 1960s because equitable allocation of resources at the State level was not occurring for minorities, women, and handicapped persons, and others of limited privilege. Another significant concern is that the recordkeeping requirements under the block grant will not be sufficient to assess compliance with the applicable civil rights statutes.[22]

The sheer magnitude of the proposed reductions reflects in yet another way the devastating effect the FY 1983 budget will have. In FY 1981, $5.7 billion in Federal funds were appropriated for elementary and secondary education programs; the administration would reduce this amount by one-third to $3.8 billion in FY 1983.[23]

Elementary and secondary education programs enacted to address the special educational needs of the disadvantaged would not be spared. If enacted as proposed, the FY 1983 budget would result in a 35 percent reduction of programs under Title I of the Elementary and Secondary Education Act (now Chapter 1 of the Educational Consolidation and Improvement Act of 1981) since FY 1981; a 21 percent reduction in the block grant that includes the Emergency School Aid Act program; a 38 percent cut in Indian Education Act programs; and a 42 percent cut in bilingual education programs. Separate funding for the Women's Educational Equity Act program and civil rights technical assistance and training programs would be eliminated entirely, and continuation of these programs would be left to the discretion of States and local education agencies under the block grant authority. At the same time, however, the funding level for the block grants would be reduced. Thus, programs could be eliminated not by legislative repeal but by the "back door" approach of fiscal strangulation.

Similarly, cuts in Federal support for higher education now being proposed for fiscal year 1983 represent a substantial retreat from the goal of equality of educational opportunity. Student financial assistance programs will be particularly hard hit if budget cutbacks are enacted as requested. Three student grant programs are affected—Pell grants, supplemental educational opportunity grants, and State student incentive grants. In addition, two student loan programs (national direct student loans and guaranteed student loans) and a college work-

[18] Children's Defense Fund, *A Children's Defense Budget, An Analysis of the President's Budget and Children* (Washington, D.C.: 1982), p. 120 (hereafter cited as *A Children's Defense Budget).*

[19] *The Fiscal Year 1983 Budget,* p. 30. For a further elaboration, see the appendix to this statement.

[20] Ibid., p. 29. Twenty of these programs were turned into block grants last year under the administration's major legislative initiative in education. In FY 1983 five additional programs would be consolidated in this block grant in addition to the proposed reductions in funding (women's educational equity; follow through; training and advisory services; Territorial assistance, including general aid to the Virgin Islands and teacher training; and Ellender fellowships). Five categorical programs, however, would retain separate line funding in FY 1983 (inexpensive book distribution program, acts in education, alcohol and drug abuse education, discretionary projects, and evaluation and studies). The number of programs referred to are the budgeted line items, which in some cases include more than one small program. Chapter 2 of the Education Consolidation and Improvement Act of 1981 consolidates 28 separate programs into a single authorization of grants to States.

[21] See Proposed Regulations to Allow State and Local Agencies Maximum Flexibility to Administer Funds and Design Programs. 47 Fed. Reg. 6597, 6599 (1982). *See also* U.S., Commission on Civil Rights, letter to Terrel H. Bell, Secretary of Education, Apr. 13, 1982, on the proposed regulations implementing chapters 1 and 2 of the Education Consolidation and Improvement Act of 1981 (hereafter cited as Apr. 13, 1982, letter to Terrel H. Bell).

[22] 47 Fed. Reg. 6597, 6599 (1982). Apr. 13, 1982 letter to Terrel H. Bell.

[23] *The Fiscal Year 1983 Budget,* p. 3.

study program would be drastically reduced. Over the period 1981 to 1983, the administration proposes to cut student financial assistance by nearly one-third. From a fiscal year 1981 level of $6.4 billion, a reduction to $4.3 billion in fiscal year 1983 is proposed. About $2.1 billion in financial aid would be lost. Pell grants, which have been especially effective in equalizing the economic burden of higher education, would sustain the largest cut ($1.2 billion). (In comparison with other student aid programs, minorities and women are best represented among Pell grant recipients.)[24]

If the reductions take place, the doors to higher learning will be closed to many who might otherwise have been able to pursue it. These reductions also will adversely affect many traditionally black institutions, between 80 and 90 percent of whose enrollment is dependent on Federal financial assistance.[25] Without this aid, student enrollment will drop and weaken the continuing development of these colleges and universities.

Still other programs that enable colleges and universities to identify, attract, and hold disadvantaged women and minorities or that enhance the educational offerings of minority institutions are proposed for reduction or elimination. These include aid to land-grant colleges (of which 16 are black), the minority institutions science improvement program, the graduate and professional opportunities program, legal training for the disadvantaged, the high school equivalency and college assistance programs for migrant farmworkers, and the TRIO programs that provide services to encourage disadvantaged students to enter and stay in school.[26]

All these programs have had demonstrable success: Science instruction and research at minority institutions have improved; the relatively poor, small black land-grant institutions have benefited from land-grant financial aid; and evaluations of many of the other programs indicate that minorities and women who might not otherwise have attended college have entered school and performed well academically. The graduate and professional opportunities program (G*POP), for example, has provided fellowships to large numbers of women and minorities to enable them to pursue graduate studies. Nevertheless, all except the TRIO programs and support for minority institutions science improvement are recommended for elimination, and the two surviving activities would continue with substantially reduced funding. Total support for all these programs would fall from $182.6 million in fiscal year 1981 to $85.5 million in fiscal year 1983. This represents a drop of $97.1 million, or 53 percent, in appropriations for these programs.

In the fiscal year 1983 budget, the administration pledges its continued dedication to the goal of strengthening minority institutions. As evidence of this, it proposes to increase funding for aid to institutions with special needs under Title III of the Higher Education Act. Appropriations would be raised from $120 million in fiscal year 1981 to $129.6 million in fiscal year 1983, an 8 percent increase. However, only about 21 percent of Title III money actually goes to black institutions. Thus, only about $2 million of the $9.6 million increase in Title III funds will reach black colleges and universities. In addition, financial assistance to Howard University would be raised from nearly $134 million to $145.2 million over the same period. Another $9 million would be awarded to Tuskegee Institute for establishment of an aerospace science and engineering center and department (in honor of General Daniel James, a deceased Tuskegee alumnus, the only black thus far to become a four-star general in the armed services). Nevertheless, Howard University and Tuskegee Institute are only 2 of 106 traditionally black institutions. While all these increases are welcome, they do not compensate for the effect of budgetary cutbacks elsewhere.

In summary, the proposed education program reductions and changes will substantially diminish the dominant role of the Federal Government in helping to ensure equal opportunity. In elementary and secondary education, budget cuts, coupled with the move to subsume previous categorical programs

[24] Among Pell and basic educational opportunity grant recipients, about 57 percent and 52 percent, respectively, are minorities, and approximately 60 percent and 57 percent, respectively, are women. Minority and female participation is somewhat lower in the loan programs (guaranteed student loans: 20 percent minority, 37 percent white women; national direct student loans: 38 percent minority, 32 percent white women). About 50 percent of those in the college work-study program are minorities and another 30 percent are white women. Data by race and sex on recipients of State student incentive grants are not available.

[25] American Council on Education, *The Reagan Administration's Student Aid Budget Cuts: Fact vs. Fiction* (Washington, D.C.: 1982), p. 3.

[26] The TRIO programs include Upward Bound, talent search, educational opportunity centers, special services, and TRIO staff training.

under State-operated block grants, virtually assure that severe program reductions will occur. Determination of program priorities will be shifted back to State governments that historically have resisted the constitutional mandates of the 13th and 14th amendments. Programs that have produced dramatic gains for disadvantaged students in reading and mathematical skills, assisted in desegregating the Nation's school systems, provided effective educational support for limited English-proficient students, provided sex equity in classrooms, and assisted disabled students in developing their full potential will be compelled to lower their goals. A child's education will again become the happenstance of geographical location. Similarly, programs that have enabled colleges and universities, including traditionally black institutions, to provide academic services for disadvantaged minorities and women will reach far fewer students. Projected cuts in loans and grants to students also will reduce the number of minorities and women who are able financially to pursue postsecondary education. Simply put, severe budgetary cuts at all educational levels and the absence of guarantees for equitable participation in the new block grant approach now being taken in elementary and secondary education will undermine the fragile gains made by the least privileged in our society.

- Five additional categorical elementary and secondary education programs for improving schools will be placed under a block grant and supported at a substantially reduced level.
- Remaining categorical programs will also be cut. For example, Title I of the Elementary and Secondary Education Act will be reduced by 35 percent from fiscal year 1981 to 1983, Indian education programs by 38 percent, and bilingual education programs by 42 percent.
- Financial aid programs for students attending colleges and universities will be cut by one-third, from $6.4 billion in FY 1981 to $4.3 billion in FY 1983. Pell grants, which benefit a high proportion of minorities and women, will be cut by $1.2 billion, the largest single reduction.
- Aid to colleges and universities to assist them in identifying, attracting, and keeping women and minorities in school will be reduced 53 percent, from $186.6 million in FY 1981 to $85.5 million in FY 1983.

It is clear that, if enacted, the fiscal year 1983 budget will compromise the strides this Nation has made in the last two decades toward fulfillment of the "constitutional promise of equality."

Appendix

This appendix provides brief descriptions of programs that have assisted in providing equality of educational opportunity for all students and that are earmarked for block grants and/or budget cuts.

Elementary and Secondary Education Programs

Title I

Title I of the Elementary and Secondary Education Act was enacted in 1965 to provide Federal financial assistance to school districts with concentrations of children from low-income families.[1] Over the years the funds have been used to provide compensatory educational programs that address the special needs of educationally deprived children[2] with primary focus on instructional services in reading, mathematics, and language arts.[3]

In FY 1980 the program was funded at $3.2 billion and in FY 1981 at $2.9 billion.[4]

Although only 3 percent of the total monies spent across the "country for elementary and secondary education are Title I funds, they have accounted for almost one-third of per-pupil expenditures in some of the Nation's poorest school districts."[5] Title I programs have served between 5 and 7 million children each year in approximately 90 percent of the Nation's school districts.[6] Approximately 46 percent of the students participating in Title I programs are minority.[7] Recent studies by the Department of Education and others have demonstrated that participation in Title I programs has had positive results on the reading and mathematics

[1] Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, 79 Stat. 27 ("Title I" was originally designated "Title II" but was renumbered "Title I" by Pub. L. No. 90-247, §§108(a)(2), 110, 81 Stat. 786, 787 (1968)); the entire title was amended by Pub. L. No. 95-561, 92 Stat. 2143 (1978), codified at 20 U.S.C. §§2701-1854 (Supp. III 1979). Title I was renamed chapter I under the Educational Consolidation and Improvement Act of 1981, Pub. L. 97-35, 95 Stat. 464 (1981) (to be codified in 20 U.S.C. §3801).

[2] Pub. L. No. 89-10 §201, 79 Stat. 27 (1965).

[3] *See* U.S., Department of Education, National Institute of Education, *Evaluating Compensatory Education, An Interim Report* (1979), pp. xvii-xx (hereafter cited as *Evaluating Compensatory Education, An Interim Report);* U.S., Department of Health, Education, and Welfare, *Title I Elementary and Secondary Education Act Questions and Answers* (1974), p. 7; *see also* 20 U.S.C. §2722 (Supp. III 1979).

[4] U.S., Department of Education, *Revised Fiscal Year 1982 Budget* (Mar. 10, 1981), attachment D, p. 23 (hereafter cited as *Revised Fiscal Year 1982 Budget);* U.S., Department of Education/Foundation for Education Assistance, *The Fiscal Year 1983 Budget,* attachment A, p. 28 (hereafter cited as *The Fiscal Year 1983 Budget).*

[5] U.S., Department of Education, National Institute of Education, *The Compensatory Education Study: Executive Summary* (1978), pp. 1, 4 (hereafter cited as *The Compensatory Education Study).*

[6] Statistical data provided by the Office of Education, U.S. Department of Education Authorization, Appropriations and Participation 1966-1979; *The Compensatory Education Study,* p. 7.

[7] *Evaluating Compensatory Education, An Interim Report,* table III-8, p. III-26.

achievement of students.[9] The Children's Defense Fund, however, estimates that because of a lack of full funding some 55 percent of eligible school children cannot participate in the programs.[9]

The 1982 continuing resolution funds Title I at $2.7 billion dollars, and the President has proposed an additional cut of $381 million.[10] This would fund the program in FY 1982 at $2.3 billion, a reduction of 21 percent from 1981.[11] The President's FY 1983 budget would further cut the program to $1.9 billion, a 35 percent reduction in funding since FY 1981 and a 41 percent cut since FY 1980.[12] When the inflation rate is considered, the cuts are even more devastating. Through the use of per-pupil cost estimates, it is possible to approximate the number of students who would have to be dropped if the proposed budget cuts are adopted by the Congress.[13]

Using a per-pupil cost of $415, the proposed recission of $381 million in the FY 1982 budget level would reduce the estimated number of students served by 964,000.[14] The proposed FY 1983 budget level would eliminate an estimated additional 964,000 students. The results would be extremely destructive when one considers that the program already fails to serve many eligible students, despite its track record.

Emergency School Aid Act

In 1970 the Federal Government was to commit itself to providing financial assistance to school districts undergoing school desegregation.[15] President Richard Nixon on March 24, 1970, requested Congress to divert monies from other domestic programs in order to fund programs for improving education in areas with high concentrations of minorities, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation.[16] In 1972 the Federal commitment to school desegregation was to expand with passage of the Emergency School Aid Act (ESAA).[17]

The Emergency School Aid Act provided financial assistance to school districts for the purposes of:

(1) meeting the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(2) encouraging the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and

(3) aiding school children in overcoming the educational disadvantages of minority group isolation.[18]

The act provided financial assistance to eligible school districts and certain other nonprofit organizations for instructional services, human relations efforts, and other activities related to eliminating

---

[9] National Assessment of Education Programs, *Three National Assessments of Reading: Changes in Performance 1970–80* (Denver, Colo.: Education Commission of the States, 1981); Children's Defense Fund, *A Children's Defense Budget: An Analysis of the President's Budget and Children* (1982), p. 117 (hereafter cited as *A Children's Defense Budget);* and U.S., Department of Education, Office of Planning, Budget, and Evaluation, *The Annual Evaluation Report,* vol. II, fiscal year 1981 (hereafter cited as *Annual Evaluation Report 1981).*

[9] *A Children's Defense Budget,* p. 118.

[10] *The Fiscal Year 1983 Budget,* p. 28.

[11] Ibid.

[12] Ibid.

[13] *Annual Evaluation Report 1981,* p. 15. Estimates of per-pupil expenditures are often difficult to collect due to different accounting methods; however, rough indicators are obtained. A survey in 100 Title I districts estimated the Title I per-pupil expenses to be $347 in 1975–76. *Evaluating Compensatory Education: An Interim Report;* an estimate for the following year was $415. Launor Carter, *The Sustaining Effects Study: An Interim Report* (Santa Monica, Calif.: Systems Development Corporation, 1980); another study estimated per-pupil costs at $371. U.S., Department of Education, *The Measures and Variables in the Sustaining Effects Study,* by J.A. Hemerway et al. (1978), Report No. 9 of the Sustaining Effects Study.

[14] The higher estimate of $415 has been used to be conservative in the estimation of the number of students served and, similarly, the number that would be eliminated from the program. These are, of course, only estimations. The FY 1982 budget level of $2.7 billion is divided by $415 resulting in 6,506,024 students served. The proposed budget level of $2.3 billion would allow for serving 5,542,168 students using the $415 estimate. The 964,000 figure is arrived at through subtraction. Similarly, the proposed FY 1983 budget level of $1.9 billion would allow for service to 4,578,313 students.

[15] In 1971 and 1972, $75 million was provided under the emergency school assistance program to meet special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools by contributing to the costs of new or expanded activities designed to achieve successful desegregation and the elimination of all forms of discrimination in the schools. This program was phased out in 1973; funding that year was at the level of $21 million.

[16] *Emergency School Aid Act of 1970: Hearing Bills Before the General Subcommittee on Education of the House Committee on Education and Labor,* 91st Cong., 2d sess. (1970), pp. 826–37.

[17] Emergency School Aid Act, Title VII of Pub. L. 92–318, as amended by Pub. L. 93–380 and Pub. L. 95–561.

[18] Department of Health, Education, and Welfare, *A Summary of Federal Aid under the Emergency School Aid Act* (1977), p. 1.

minority group isolation and operating integrated schools.[19] From 1973 through 1980 over $200 million was spent annually for ESAA projects.[20] The basic grant component, which is the largest, has awarded approximately 350 grants annually to school districts for projects, which served over 3 million students.[21] Additionally, grants were awarded for magnet school programs, educational television programs, and special programs and projects such as efforts to reduce minority student suspensions and expulsions.[22]

In 1980 Emergency School Aid Act projects were funded at the level of $248.5 million, and only 52 percent of the applicants were funded.[23] The FY 1981 appropriations provided $149.2 million for such projects, a 40 percent reduction in funding.[24] As a result of the administration's FY 1982 budget, ESAA was included in the consolidation of education programs into two block grants.[25]

The programs, including ESAA, that are presently included in a block grant were funded at $512 million in FY 1981, and the block grant was funded at $455 million in the FY 1982 continuing resolution.[26] The President's proposed budget would cut the FY 1982 level by $13 million and sets a FY 1983 funding level of $406 million, a 21 percent cut since FY 1981.[27] Assuming the 21 percent reduction were distributed evenly across the block grant programs, ESAA in FY 1983 would be funded at $117.9 million, a 53 percent cut since FY 1980 when the funding level served slightly more than 50 percent of the need.[28]

Civil Rights Technical Assistance and Training Program

The Civil Rights Act of 1964 established Federal funding "to provide direct and indirect technical assistance and training services to school districts to cope with educational problems occasioned by desegregation by race, sex, and national origin."[29] The Title IV program includes 11 subprograms. The largest subprogram consists of desegregation assistance centers (DACs) that provide technical assistance and training services to local school districts within designated service areas.[30] DAC awards are granted separately in the areas of race, sex, and national origin, primarily to higher education institutions.[31] Separate awards are also made to State education agencies (SEAs) and local education agencies (LEAs) to assist in racial, sex, and national origin desegregation.[32] Finally, training institute (TI) awards are made solely to higher education institutions to assist in sex and racial desegregation.[33]

In FY 1980, 44 percent of the funds were awarded for racial desegregation, 30 percent for sex desegregation, and 26 percent for national origin desegregation.[34] DACs received 39 percent of the funding, SEAs 27 percent, LEAs 25 percent and TIs 9 percent.[35] Through Title IV the opportunity has been presented to assure that the change from segregated to integrated education can be accomplished peacefully and successfully.[36]

Since 1968 over $8 million has been appropriated annually for the program.[37] In FY 1980 the program was funded at a high of $45 million and 299 awards were granted.[38] It has been estimated that in FY

---

[19] Ibid.

[20] U.S., Office of Education, Bureau of Elementary and Secondary Education, Equal Educational Opportunity Programs Table, "Obligational Authority for Desegregation Assistance Fiscal Years 1965–1977"; U.S., Executive Office of the President, Office of Management and Budget, *Catalog of Federal Domestic Assistance* (1980), pp. 287, 289 (hereafter cited as *Catalog of Federal Domestic Assistance).*

[21] *Catalog of Federal Domestic Assistance,* p. 287.

[22] Ibid.

[23] *Annual Evaluation Report 1981,* p. 109.

[24] *Revised Fiscal Year 1982 Budget,* attachment D, p. 25; *Education Daily,* Feb. 9, 1982; p. 5.

[25] *Revised Fiscal Year 1982 Budget,* pp. 2–3; *The Fiscal Year 1983 Budget,* pp. 18–19.

[26] *The Fiscal Year 1983 Budget,* p. 29.

[27] Ibid.

[28] The figures are computed as follows: 21 percent of the FY 1981 level of $149.2 million is $31.3 million, indicating a FY 1983 funding level of $117.9. The $117.9 funding is 47 percent of the FY 1980 level of $248.5 million. Thus, the program has been reduced 53 percent.

[29] *Catalog of Federal Domestic Assistance,* p. 235; 42 U.S.C. §2000c–2—C–4 (1976 and Supp. III 1979).

[30] *Annual Evaluation Report 1981,* p. 116.

[31] Ibid., pp. 116–17.

[32] Ibid., p. 116.

[33] Ibid., p. 117.

[34] Ibid., p. 118.

[35] Ibid.

[36] U.S., Commission on Civil Rights, *Title IV and School Desegregation* (1973), p. 41.

[37] *Annual Evaluation Report 1981,* p. 116.

[38] Ibid., pp. 116–17.

1981, 293 awards were made and 18 million students were served through these programs.[39] The funding level in FY 1981 was $37 million, a decline of 18 percent from the previous year, and $24 million in the FY 1982 continuing resolution, a further reduction of 36 percent.[40]

The proposed budget would totally rescind the FY 1982 funding level and provide no funds for FY 1983, since funding would be discretionary under a block grant.[41] However, no additional funds are proposed for the block grant.[42]

Bilingual Education

Title VII of the Elementary and Secondary Education Act of 1965 provides grants and contracts for programs to meet the special educational needs of children with limited ability to speak English.[43] The purposes of the Bilingual Education Act are:

> to develop and carry out elementary and secondary school programs. . .to meet the educational needs of children of limited English proficiency; and to demonstrate effective ways of providing such children instruction designed to enable them, while using their native language, to achieve competence in English; and to develop the human and material resources required for such programs.[44]

In 1980 the program was funded at $167 million and supported 599 classroom projects serving 323,124 children, 75 percent of whom were Spanish speaking.[45] In FY 1981 the program was funded at $157 million, and it is estimated that it served 223,000 students "who collectively represent 71 different languages."[46] The FY 1982 continuing resolution funds the program at $134 million,[47] but the President's proposed budget would cut the FY 1982 budget by $11 million, and fund the program at only $94.5 million in FY 1983.[48] If accepted by Congress, the FY 1983 budget level would represent a 42 percent cut in the program since FY 1981.[49]

The additional cuts would drastically reduce the number of students served. Moreover, although the number of affected children will continue to rise in proportion to population growth, fewer would be served under the program.[50]

Education of the Handicapped Act

The Education of the Handicapped Act[51] was established for the purpose of awarding grants to States to assist them in providing a "free appropriate education" to all handicapped children.[52] The funds have been used for a wide variety of projects that provide educational and related services to handicapped children.[53] Moreover, the act sought to ensure equality of educational opportunity for handicapped children by establishing as a requirement for funding that States electing to participate must provide free public education in as normal a setting as possible for every handicapped child.[54]

In FY 1980 the average per-pupil expenditure was $222. That year the program served 3.93 million students with a funding level of $874.5 million in the State grant program; the preschool incentive program was funded at $25 million and served slightly under 238,000 preschool children.[55] In 1981 the State grant program and the preschool incentive grants were funded at the same continued level, approximately $900 million. The 1982 continuing resolution funds them at $955 million.[56] However, the President has proposed a cut in the State grant program of $258 million in the FY 1982 budget to $696 million, a 28 percent reduction.[57] Using the 1980 per-pupil costs, the proposed cuts would

---

[39] Ibid., p. 236.

[40] *The Fiscal Year 1983 Budget,* p. 29. The FY 1981 continuing resolution had provided $45 million. The Reagan administration had requested an $11 million rescission in the FY 1981 funding level and inclusion of the program in a State education block grant. Congress retained the program as a separate category and appropriated a funding level of $37 million.

[41] *The Fiscal Year 1983 Budget,* p. 7.

[42] Ibid., p. 29.

[43] Bilingual Education Act, Pub. L. No. 89-10 as amended by Pub. L. No. 90-247, Jan. 2, 1968, 81 Stat. 816 and reenacted by Pub. L. No. 93-380, Aug. 21, 1974, 88 Stat. 503 as amended by Pub. L. No. 95-561, Nov. 1, 1978, 92 Stat. 2258 (codified at 20 U.S.C. §§3221-3261 (1976 and Supp. III 1979)).

[44] *Catalog of Federal Domestic Assistance,* p. 234.

[45] Ibid.; *Revised Fiscal Year 1982 Budget.*

[46] *The Fiscal Year 1983 Budget,* p. 31; *Annual Evaluation Report,* p. 172.

[47] *The Fiscal Year 1983 Budget,* p. 31.

[48] Ibid.

[49] Ibid.

[50] According to one estimate, the number of children of limited English proficiency will increase from 2,394,200 in 1980 to 2,795,900 by 1990, representing an increase of approximately 17 percent. See Fifth Annual Report of the National Advisory Council for Bilingual Education, *The Prospects for Bilingual Education in the Nation* (1980-81), table 1, p. 26.

[51] Education of the Handicapped Act, Title VI, Pub. L. 94-142, as amended by part D, sec. 1341 of the Education Amendments of 1978, codified at 20 U.S.C. §§1411-19 (1976 and Supp. III 1979).

[52] *Catalog of Federal Domestic Assistance,* p. 758.

[53] Ibid.

[54] Ibid.; *A Children's Defense Budget,* p. 120.

[55] *Annual Evaluation Report 1981,* pp. 212, 215, 217-18.

[56] *The Fiscal Year 1983 Budget,* p. 30.

[57] Ibid., p. 17.

reduce the estimated number of students served by over 1 million in the State grant program.[58]

For FY 1983 the President proposes that the State grant and preschool incentive grant programs under the Education of the Handicapped Act and the Title I program for institutionalized handicapped children be consolidated into a single special education block grant.[59] In 1981 these programs were funded as separate line items for a total of $1.052 billion dollars;[60] the 1983 block grant would provide $771.6 million, a reduction of 27 percent since 1981.[61]

In addition, the FY 1983 budget would consolidate 10 smaller programs for handicapped education into a "Special Purpose Funds Block Grant."[62] These programs were funded as separate line items in FY 1981 appropriations and in the FY 1982 continuing resolution, with funding totaling $125.7 million and $87 million, respectively.[63] Under the FY 1983 block grant, total funding would be $73.9 million, a reduction in funding of 42 percent since 1981.[64]

Women's Educational Equity

The Educational Equity Act of 1974[65] was established "to promote educational equity for women and girls at all levels of education; and to provide financial assistance to local educational institutions to meet the requirements of Title IX of the Education Amendments of 1972."[66] Since 1976 over $6 million has been appropriated annually in basically six areas: (1) curricular, textbooks, and other educational material; (2) preservice and inservice training for educational personnel; (3) research and development; (4) guidance and counseling; (5) educational activities to increase opportunities for adult women; and (6) expansion and improvement of educational programs for women in vocational education, career education, physical education, and educational administration.[67]

Evaluations of the Women's Educational Equity Act program (WEEA) have stated:

> Title IX contract activities funded by the WEEA program. . .have had a substantial and far reaching impact in increasing the capabilities of state education agencies and local education agencies to provide Title IX training and technical assistance services. Through the workshops conducted by the Title IX technical assistance project, a network of trained SEA and LEA personnel can provide technical assistance on Title IX programs and policies to educational institutions throughout the country. Workshop materials have been disseminated widely and adapted for use by many school systems and state education agencies.[68]

In FY 1980, the appropriation level was $10 million and 70 grants were awarded (53 were new grants and 17 were continuations of previous year grants).[69] In FY 1981 the funding level was $8.1 million (16 new grants and 33 continuation grants were funded).[70] The FY 1982 continuing resolution provides a funding level of $5.7 million.[71] However, the administration's 1982 revised request would totally rescind that amount and include the program in a block grant. No additional funds would be provided for the block grant. For FY 1983 the administration would maintain the program as a block grant component. The block grant would be funded at $406 million, a 30 percent reduction from the separate funding levels in FY 1981 for the consolidated programs.[72]

Indian Education

The Indian Education Act[73] provides Federal financial assistance for addressing the "special edu-

[58] The proposed 1982 rescission of $258,572,000 divided by $222 is 1,164,738 pupils.

[59] *The Fiscal Year 1982 Budget*, p. 30.

[60] Ibid.

[61] Ibid. The programs include deaf blind centers; severely handicapped projects; early childhood education; regional vocational, adult, and postsecondary programs; innovation and development; media services and captioned films; regional resource centers; recruitment and information; special education personnel development; and special studies.

[62] Ibid.

[63] Ibid.

[64] Ibid.

[65] *Catalog of Federal Domestic Assistance*, p. 311; The Women's Educational Equity Act of 1978; Pub. L. 95-561, 92 Stat. 2298 (codified at 20 U.S.C. §§3341-48 (Supp. IV 2900)), which amended the original Women's Educational Equity Act of 1974; Pub. L. 93-380, §408, 86 Stat. 554 (codified at 20 U.S.C. 1866 (1976)).

[66] Title IX prohibits sex discrimination in federally assisted education programs and activities.

[67] *Catalog of Federal Domestic Assistance*, p. 311; *Annual Evaluation Report 1981*, p. 548.

[68] National Advisory Council on Women's Educational Programs, Executive Summary, *Evaluation of the Women's Educational Equity Act Program* (1980), p. 33.

[69] *Annual Evaluation Report 1981*, pp. 548, 550.

[70] Ibid.

[71] *The Fiscal Year 1983 Budget*, p. 29.

[72] Ibid.

[73] Pub. L. No. 92-318, Title IV, parts A, B, and C, as amended, in 20 U.S.C. §§241aa, 887c, and 1211a (Supp. IV 1980).

cational and culturally related academic needs of Indian children."[74] Part A of the act allocates Federal funds on an entitlement basis to local educational agencies (LEAs) for programs on the elementary and secondary levels. Grants are provided to LEAs for such programs as:

(1) Remedial instruction in basic skill subject areas
(2) Instruction in tribal heritage and traditions in the context of meeting academic needs and in Indian history and political organization, including current affairs and tribal relationships with local, State, and Federal governments
(3) Accelerated instruction and other activities that provide additional education opportunities
(4) Home-school liaison services
(5) Creative arts such as traditional Indian arts, crafts, music and dance
(6) Native language arts, including bilingual projects and the teaching and preserving of Indian languages.[75]

Part B of the act provides for the awarding of grants to Indian tribes and organizations, and institutions of higher education, as well as State and local educational agencies for "special programs and projects to improve educational opportunities for Indian children."[76] These include such programs as "bilingual/bicultural educational programs and programs dealing with special health, social, and psychological problems of Indian children."[77] Other special programs and projects include training programs for educational personnel serving Indian children and a fellowship program for higher education programs in the fields of medicine, law, education, business administration, engineering, and natural resources.[78]

Part C of the Indian Education Act authorizes Federal funding for "Special Programs Relating to Adult Education for Indians" below the college level.[79] Projects under this provision may "provide basic education, secondary education and preparation for the G.E.D., and career counseling. . . ."[80] In FY 1981 these programs were funded at the combined level of $81 million. The FY 1982 continuing resolution funds the programs at $77 million,[81] but the administration is requesting a $6 million rescission in the FY 1982 level to $71 million.[82] This would be a 7 percent reduction in the present FY 1982 level and a 13 percent reduction since FY 1981. Further, the administration is proposing to transfer the programs to the Department of Interior for FY 1983 and to cut the funding level to $51 million.[83] This represents a 34 percent cut since FY 1982 and a 38 percent reduction since FY 1981.

These proposed reductions, if enacted, would significantly weaken the effect of the Indian Education Act. Through the act, program activities in FY 1981 assisted Indian children in over 1,000 school districts, provided slightly under 200 fellowships to students attending 85 institutions, and assisted over 15,000 Indian adults in adult basic education programs.[84]

Higher Education Programs

Pell Grants

Pell grants are the "floor" or "foundation" assistance program for undergraduate students in financial need. The maximum award authorized for 1982 is $1,800 for the neediest students.[85] A determination of financial need rests in part on the size of the expected family contribution (EFC).[86] The EFC is calculated using a formula that takes into consideration parental and student income, assets, family size, number of family members in postsecondary education, and educational expenses of other dependent students.[87] The actual grant amount to which a student is entitled is the maximum possible less expected family contribution, provided, however, that the grant cannot exceed one-half the cost of attendance (tuition, fees, room and board, and miscellaneous expenses).[88]

Between 1973–74, the Pell grant program's first year of operation, and 1980–81, its total expenditures rose from $47.6 million to $2.5 billion, the number of

[74] *Catalog of Federal Domestic Assistance*, p. 210.
[75] *Annual Evaluation Report 1981*, p. 138.
[76] Ibid., p. 164.
[77] Ibid.
[78] Ibid.
[79] Ibid., p. 170.
[80] Ibid.
[81] *Fiscal Year 1983 Education Budget*, p. 36.
[82] Ibid.
[83] Ibid.
[84] *Annual Evaluation Report 1981*, pp. 158, 166, 171.

[85] H.J. Res. 370, Pub. L. No. 97-92, §124, 95 Stat. 1183, 1197 (1982) (to be codified at 20 U.S.C. §1070a).
[86] 20 U.S.C.A. §1070(a)(2)(A)(i) (West Supp. 1982); *see* 20 U.S.C.A. §1089 (West Supp. 1982).
[87] 20 U.S.C.A. §1089(b)(2) (West Supp. 1982).
[88] *Id.* If appropriations are insufficient to fund fully all grants, student entitlements are reduced in accordance with financial need. The neediest continue to receive full grants, but students of lesser need have their grants reduced by an increasing percentage as financial need falls.

recipients climbed from 176,000 to nearly 2.9 million, and the average grant increased from $270 to almost $900.[89] Studies of the effect of Pell grants show they have been effective in equalizing the economic burden of higher education for dependent children from families with annual incomes up to $18,000.[90] Moreover, minorities and women have been among the principal beneficiaries of these grants. Among the nearly 1.9 million recipients in the 1978–79 academic year, 34 percent were black, 16.8 percent Hispanic, 3.2 Asian and Pacific Island American, 2.8 percent American Indian, and 60.4 percent women.[91]

Now, substantial cutbacks in appropriations are being proposed by the administration. From $2.604 billion for fiscal year 1981, the current fiscal year 1982 level is at $2,279,040,000 under the continuing resolution.[92] A FY 1982 rescission is requested to bring this amount down further to $2,187,680,000.[93] The fiscal year 1983 budget proposal is for $1.4 billion, fully 46 percent lower than FY 1981 appropriations.[94] To ameliorate the adverse effect of such budget cuts on total students benefited, the administration proposes to reduce the maximum grant amount from its current level of $1,750 to $1,600 in fiscal year 1983.[95] Further, it plans to raise the percentage of family income expected to be contributed to meet educational expenses, a percentage that is established by regulation and approved by Congress.[96] Whereas in fiscal year 1981 all families were expected to contribute 10.5 percent of discretionary income,[97] this is proposed to be raised in fiscal year 1983 to 18 percent for low-income families and to as much as 30 percent for the highest-income group.[98]

All the changes taken together, coupled with reductions in other student financial assistance programs, will "squeeze out" many low-income minorities and women who might otherwise be able to attend a college. They could also weaken traditionally black institutions that serve many low-income minority students.[99] Declines in student enrollment in traditionally black institutions that occurred between 1980 and 1981 might continue if these reductions occur. Because of other program changes, the average annual Pell grant dropped from $987 to $882 between these 2 years.[100] Over the same period, 79 of the 106 traditionally black institutions reported an almost 36 percent decline in Pell grant recipients among their students.[101]

Supplemental Educational Opportunity Grants

As the name suggests, supplemental educational opportunity grants (SEOGs) are a supplemental, but critical, component of student aid programs. SEOGs provide some measure of choice to financially needy students whose aspirations and abilities lead them to one of the higher cost public or private institutions of higher education.[102] They are also an essential source of funding for those who must obtain aid from more than one source to meet their educational expenses.[103] The maximum SEOG is $2,500 per year.[104]

The SEOG program has grown from $210 million in the 1974–75 academic year, its first year of operation, to $370 million last school year.[105] This represents a 76 percent increase over 6 years. The average grant has risen during this period from about $500 to more than $600[106] for the approxi-

[89] *Annual Evaluation Report 1981,* table 1, p. 347.
[90] Ibid., p. 344 and table 6, p. 349.
[91] Applied Management Sciences, *Study of Program Management Procedures in the Campus Based and Basic Grant Programs, Vol. II: Who Gets Financial Assistance, How Much, and Why?* (Report prepared for the U.S. Department of Education, May 1980), table 5.11, p. 5.26 (hereafter cited as *Study of Basic Grant Programs).*
[92] *The Fiscal Year 1983 Budget,* attachment A, p. 25.
[93] Ibid.
[94] Ibid.
[95] *Annual Evaluation Report 1981,* p. 343, and *The Fiscal Year 1983 Budget,* p. 11.
[96] *President's FY 83 Proposed Budget Cuts,* pp. 37–38.
[97] Ibid., p. 38.
[98] Ibid.
[99] Approximately 90 percent of the student body of predominantly black institutions rely on Federal need-based financial assistance. American Council on Education, *The Reagan Administration's Student Aid Budget Cuts: Fact vs Fiction* (Washington, D.C.: Mar. 1, 1982) p. 3. "Reagan Education Budget Draws Fire from Minority Leaders," *Higher Education Daily,* Feb. 11, 1982, p. 2.
[100] *Annual Evaluation Report,* table 1, p. 347.
[101] Prezell R. Robinson, president, National Association for Equal Opportunity in Higher Education, testimony before House Subcommittee on Postsecondary Education, Oct. 15, 1981, table III (hereafter cited as Robinson Testimony). Experience differed by type of institution: Thirty-two of the 79 respondents were 4-year public colleges and universities, which had a 45.7 percent decline in students receiving Pell grants; 33 were 4-year private schools, which experienced a 4.4 percent decline; and 14 respondents were 2-year schools (public and private), which had a decline of 8 to 10 percent.
[102] *President's FY 83 Proposed Budget Cuts,* p. 39.
[103] Ibid.
[104] *Annual Evaluation Report,* vol. II, p. 352.
[105] Ibid.
[106] Ibid.

mately 615,000 students now receiving supplemental grants.[107]

Minorities and women are major recipients of SEOGs. In 1978–79, 57.3 percent of recipients were women, 34.7 percent black, 10.7 percent Hispanic, 4.4 percent Asian and Pacific Island American, and 2.4 percent American Indian.[108]

The administration proposes to phase out the SEOG program altogether. From a fiscal year 1981 appropriation level of $370 million, a fiscal year 1982 continuing resolution is now sustaining SEOGs at $278,400,000.[109] No FY 1982 rescissions or supplementals are requested,[110] and no new funding is proposed for fiscal year 1983.[111]

The loss of these millions of dollars in student aid, coupled with cutbacks in other sources of financing, will close the doors to postsecondary education for untold numbers of minorities and women. Through loss of enrollment, it will also weaken many traditionally black institutions. Because of financial uncertainties that had already begun to occur in 1980, 79 of the 106 historically black colleges and universities responding to a special survey reported a drop of 13 percent in the number of students participating in the SEOG program.[112]

State Student Incentive Grant Program

The Higher Education Amendments of 1972 provided enabling legislation for the State student incentive grant (SSIG)program, and actual operations began in fiscal year 1974.[113] In this Federal-State cost-sharing partnership, States are encouraged to develop or expand grant assistance to students with "substantial financial need" and contribute toward the goal of equality of educational opportunity.[114] Federal funds are allocated to the States based on a formula that reflects student attendance patterns.[115] States are given considerable latitude in defining "substantial financial need" in selecting grant recipients. Some define need as the difference between the cost of attending the institution in which the student is enrolled and the student's resources.[116] Others measure need in relation to income, giving larger grants to those with fewer resources.[117] In still other States, need criteria are specified by State law, leaving institutions to contribute the difference between State awards and student need.[118] In any event, grants are limited to $2,000 per academic year.[119]

The State student incentive grant program has been successful in stimulating the development of State grants even beyond those necessary to match the Federal share under SSIG. When the SSIG program started in 1974–75, total State grants awarded amounted to $440.8 million, including $19 million from SSIG.[120] In 1980–81 the State grant payout is estimated to be $912 million, of which $76.75 million is SSIG money.[121] There is unevenness, however, in State matching capabilities and in the degree to which States are dependent on SSIG to maintain their grant programs. Generally, those States that had successful grant programs before SSIG are those in the strongest position.[122] From a fiscal year 1981 appropriation level of $76,750,000 for the Federal share of the SSIG program, appropriations are now down to $73,680,000 under a fiscal year 1982 continuing resolution.[123] A rescission is requested to reduce the FY 1982 amount further to $67,540,000.[124] No additional funding is requested for fiscal year 1983.[125]

A survey of States conducted by the National Association of State Scholarship and Grant Programs indicates that elimination of the Federal share of SSIG would force nearly all States to reduce total student aid.[126] A dozen States fear their entire

[107] *President's FY 83 Proposed Budget Cuts*, p. 39.
[108] *Study of Basic Grant Programs*, table 5.11, p. 5.26.
[109] *The Fiscal Year 1983 Budget*, attachment A, p. 25.
[110] Ibid.
[111] Ibid.
[112] Robinson Testimony, p. 2 and table III. Of the 79 institutions responding to the survey, the decline was 18.2 percent for 4-year public, 7.4 percent for 4-year private, and 9.4 percent for 2-year private schools. Two-year public institutions had a 3.8 percent increase in SEOG participants.
[113] *Annual Evaluation Report 1981*, pp. 359–60. *See* 20 U.S.C.A. §§1070C to 1070C–3 (West Supp. 1982).
[114] *Annual Evaluation Report 1981*, p. 359.
[115] Ibid.
[116] p. 360.
[117] Ibid.
[118] Ibid.
[119] Ibid.
[120] Ibid., p. 361.
[121] Ibid.
[122] Ibid., pp 360–61 and tables 2 and 3, pp. 365–66.
[123] *The Fiscal Year 1983 Budget*, attachment A, p. 25.
[124] Ibid.
[125] Ibid.
[126] *President's FY 83 Proposed Budget Cuts*, p. 49.

program may be eliminated for lack of adequate State funding.[127] Twenty States will simply be unable to compensate for loss of Federal monies.[128] Another 17 States will have to reduce the size of grants or tighten student eligibility.[129]

The effect of the proposed cutbacks on minority and women students is difficult to determine since racial, ethnic, and sex program data are not reported. SSIG is a need-based program, however, and participation of low-income students is substantial.[130] Since minorities are relatively concentrated in low-income families, they may benefit disproportionately from State student incentive grants to the extent that States do not demonstrate any of their historical reluctance to serve these groups equally.

Guaranteed Student Loan Program

Guaranteed student loans are authorized by the Higher Education Act of 1965, as amended.[131] Since 1966 funds have been appropriated by Congress to provide low-interest, long term, deferred payment, noncollaterized loans to students attending eligible institutions of higher education.[132] The principal of the loan is provided primarily by commercial lenders.[133] Annual student loan limits are $2,500 for undergraduate study to $5,000 for graduate study. The total of loans outstanding generally cannot exceed $12,500 for an undergraduate and $25,000 for a graduate or professional student, including undergraduate loans.[134] When students graduate or leave the institution, they have from 6 months to begin repaying the loan in installments up to 10 years.[135] In fiscal year 1981, the guaranteed student loan program (GSL) was funded at $2.581 billion,[136] and an estimated 12,000 institutions committed 2,314,000 loans.[137] The average student loan was $2,288, and the students attended 3,581 schools of higher education, 3,289 vocational, technical, business, and trade schools, and 856 foreign educational institutions.[138] In 1980 slightly more than 46 percent of the students receiving GSLs had family incomes of $25,000 and above. In contrast, 32 percent had family incomes below $15,000, with approximately 25 percent in the family income range of $15,000–24,999.[139] Although program data are not kept by race, the overrepresentation of minorities in lower income levels suggests that their participation in the program is limited.[140] This is corroborated by data from higher education institutions in five Southern and Border States under desegregation plans negotiated by the Department of Education. These data indicate that 20 percent of recipients are minority men and women and another 37 percent are white women.[141]

The FY 1982 continuing resolution provides a funding level of $1.774 billion, but due to a continuing rise in costs, the administration is requesting a $978 million supplement for FY 1982.[142] This would fund the GSL programs at $2.752 billion, an 8 percent increase over the FY 1981 level.[143] The administration's proposed FY 1983 budget would set

[127] Ibid.
[128] Ibid.
[129] Ibid.
[130] *Annual Evaluation Report,* vol. II, tables 4 and 5, pp. 367–68.
[131] 20 U.S.C.A. §§1071 to 1087–2 (West Supp. 1982).
[132] *Annual Evaluation Report 1981,* pp. 369–70. *See* 20 U.S.C.A. §1071 (West Supp. 1982).
[133] *Annual Evaluation Report 1981,* p. 370.
[134] 20 U.S.C.A. §1075(a)(1)–(2) (West 1982). Exceptions to the limits may be granted upon a determination by the Secretary that a higher amount is warranted. *Id.* at 1075(a)(1)(C) and (a)(2).
[135] 20 U.S.C.A. §1077(a)(2)(B) (West 1982). Deferment of repayment is provided when the student returns to full-time study at an eligible educational institution or enrolls in certain graduate fellowship programs. A deferment period of up to 3 years is also provided when the borrower is serving on active duty in the Armed Forces, in the Public Health Service Commissioned Corps, in the Peace Corps, or full-time volunteer programs conducted by ACTION, or during comparable full-time volunteer service in a nonprofit organization. Repayment is also generally deferred during a single period, not to exceed 1 year, during such time that the borrower is seeking but unable to find full-time employment. Deferments are extended for 2 years during required preprofessional internships and 3 years during periods of temporary total disability of the borrower or the spouse.
[136] *Annual Evaluation Report 1981,* p. 371.
[137] Ibid.
[138] Ibid.
[139] Ibid., p. 373. Statistics are based upon fall 1980, first time, full-time, dependent freshman.
[140] In 1979, 17.7 percent of white families and 43.1 percent and 31.8 percent, respectively, of black and Hispanic families had incomes below $10,000. U.S., Department of Commerce, Bureau of the Census. *Population Profile of the United States: 1980,* Current Population Reports, series P–20, no. 363, pp. 44–45.
[141] Special tabulations of fiscal year 1979 data provided by the Office for Civil Rights, Department of Education. The five States are Arkansas, Oklahoma, Georgia, Florida, and Virginia. In October 1979, 16.6 percent of college students aged 18 to 24 years old enrolled in higher education institutions throughout the United States were racial and ethnic minorities. Another 43.1 percent were white women. *Annual Evaluation Report,* vol. I, table 1.
[142] *The Fiscal Year 1983 Budget,* attachment A, p. 25; American Council on Education, *The FY 83 Reagan Budget for Higher Education* (Washington, D.C.: Feb. 8, 1982), p. 2 (hereafter cited as *The FY 83 Reagan Budget for Higher Education).*
[143] *The Fiscal Year 1983 Budget,* attachment A, p. 25.

a funding level of $2.484 billion, a 10 percent decrease from the proposed FY 1982 level.[144]

In addition to the proposed budget cuts, the administration would impose further restrictions on the GSL program. It proposes to increase the student borrower's "origination fee" from 5 to 10 percent. Thus, to acquire a $2,500 loan, the student would pay a fee of $250, rather than $125 as in the past.[145] Second, the administration would extend the need analysis (determination of how much education costs exceed available discretionary income) limitation to all family income levels.[146] Eligibility would be limited to unmet need or the education cost minus family contribution and other aid.[147] The $30,000 income cap that was imposed on the program in 1981 in the Omnibus Budget Reconciliation Act would be replaced by this new test of need.[148]

Third, the administration would require graduate student borrowing to be under the auxiliary loans to assist students (ALAS) program; i.e., they would be dropped from the GSL program.[149] According to the American Council on Education, approximately 600,000 graduate students, over half of graduate enrollments, depend on GSLs to attend school and a majority of them will be unable to further their education if the administration's proposals are adopted.[150] The ALAS program carries a 14 percent interest rate and does not allow for Federal subsidization of interest payments while students are in school as is provided under the GSL program.[151] Graduate students enrolled full time could continue to defer the payment of the principal while in school. However, part-time students, the majority of graduate students, would be required to pay interest and principal while still attending school.[152] Further, according to the American Council on Education, the ALAS is only operational in 14 States with a total volume of $12.6 million.[153] Of the 4,899 loans committed by the program, "only 5 percent were made to students, indicating that banks are reluctant to make loans to needy students because they are poor credit risks."[154] In fact, only three States have made loans to students.[155] The council concludes that "there seems to be no credible basis for the administration's budget assumptions that the auxiliary loan program will make 943,000 loans totalling $2.5 billion in FY 1982 and 1.8 million loans totalling $4.4 billion in FY 1983."[156]

The administration also proposes eliminating the "Federal special allowance payments two years after the borrower leaves school, allowing the lender to establish the borrower's new interest rate *(fixed or variable)* thereafter" (emphasis added).[157] This would result in the students paying the loan back at market interest rates. The cumulative result of these changes would be a 19 percent increase in indebtness for undergraduate students and an increase of as much as 67 percent for graudate students.[158]

Although minority and female participation in the GSL program is relatively limited, the combination of budget reductions here and in other aid programs, as well as administrative changes in GSL terms to raise the cost of acquiring and repaying a loan, will severely undermine opportunities for participation in higher education.

National Direct Student Loans

As authorized by the Higher Education Act of 1965, as amended, funds are allocated to postsecondary institutions to make long-term, low-interest loans to financially needy students under the national direct student loan (NDSL) program.[159] Funding is initially allocated among States based on an allotment formula and relevant regulations.[160] Each institution within a State then receives the larger of a "conditional guarantee" based on its program expenditures or its "fair share" determined by formula.[161] NDSL funds are a combination of Federal and

[144] Ibid.
[145] *The Fiscal Year 1983 Budget,* p. 10; *The FY 83 Reagan Budget for Higher Education,* p. 2.
[146] 47 Fed. Reg. 19,086 (May 1982).
[147] *Id.*
[148] *Id.*
[149] *The Fiscal Year 1983 Budget,* p. 10.
[150] *The Fiscal Year 1983 Budget,* p. 10; *The FY 83 Reagan Budget for Higher Education,* p. 2.
[151] *The FY 83 Reagan Budget for Higher Education,* p. 2. *See* Omnibus Budget Reconciliation Act, Pub. L. 97-35, §534, 95 Stat. 454, Aug. 13, 1981.
[152] *The Fiscal Year 1983 Budget,* p. 10; *The FY 83 Reagan Budget for Higher Education,* p. 2.
[153] *The Reagan Administration's Student Aid Budget Cuts: Fact vs. Fiction* (Washington, D.C.: Mar. 1, 1982), p. 2
[154] Ibid.
[155] Ibid.
[156] Ibid.
[157] *The Fiscal Year 1983 Budget,* p. 10.
[158] *The FY 83 Reagan Budget for Higher Education,* p. 2. The House Budget Committee has voted $321.8 million on top of the administration's proposed budget to forestall reductions in loans and increases in loan costs. *Washington Post,* Mar. 24, 1982, p. A1.
[159] 20 U.S.C.A. §§1087aa-1087ii (West Supp. 1982).
[160] 20 U.S.C.A. §1087bb (West Supp. 1982).
[161] *Annual Evaluation Report 1981,* p. 377.

institutional capital contributions. In general, the institutional contribution is one-ninth that of the Federal Government.[162]

Students may borrow up to $3,000 if they have not yet completed 2 years of undergraduate study, $6,000 if they have completed these 2 years, and up to $12,000 if they are in graduate or professional school.[163] The current interest rate is 5 percent per annum on the unpaid principal, but interest does not begin to accrue until the repayment period starts.[164] The repayment period starts 6 months after completion of studies and may last up to 10 years.[165] Repayment may be deferred or cancelled, however, for certain types of employment or service, such as volunteer work in VISTA or the Peace Corps or enlistment in the armed services.[166]

In fiscal year 1980 (academic year 1980–81), more than 3,300 institutions provided 860,552 students with NDSL loans averaging $862.[167] Program data are not available to show what percentage of these borrowers are minorities and women. Data reported by five Southern and Border States under Department of Education-negotiated desegregation plans suggest, however, that participation of these groups is substantial. According to these data, about 38 percent of NDSL recipients are racial and ethnic minorities and another 32 percent are white women.[168]

The fiscal year 1982 continuing resolution appropriation level is at $179 million, down from $186 million in fiscal year 1981.[169] The administration proposes to make no new Federal capital contributions in fiscal year 1983.[170] Instead, institutions would be called upon to make new loans from money in their NDSL revolving funds, estimated to reach $405 million in fiscal year 1983.[171] The revolving funds are reported, however, to be distributed unequally among institutions based on the amount of time they have participated in the program.[172] As a consequence, it is estimated that 266,000 needy students who would otherwise have been served will not have access to NDSL loans.[173] This will not only adversely affect educational opportunities for minorities and women but will also harm many traditionally black institutions through loss of enrollment that has already begun to occur. Between 1980 and 1981, for example, the number of students borrowing NDSL funds dropped 38.6 percent in 79 traditionally black institutions responding to a special survey.[174] Elimination of all Federal capital contributions in fiscal year 1983 can only further undermine struggling black colleges and universities.

College Work-Study Program

The purpose of the college work-study program, authorized under the Higher Education Act of 1965, as amended, is to provide part-time employment opportunities for students with financial need.[175] Grants are made to public and private nonprofit higher education institutions to cover up to 80 percent of student wages.[176] The remainder is paid by the institution, the employer, or a donor.[177] After a set-aside for U.S. territories, funds are distributed among the States based on the relative number of full-time college students, high school graduates, and children under 18 years of age living in families with annual incomes of less than $3,000 residing in each jurisdiction.[178] During academic year 1980–81, these funds were then distributed among 3,300 postsecondary education institutions that participated in the college work-study program.[179] These colleges and universities, in turn, provided part-time jobs for 975,620 students at an average annual earnings rate of $622, including the institutional matching share.[180] This represented $550 million in total student compensation, about two-thirds of

[162] *President's FY 83 Proposed Budget Cuts*, p. 45.
[163] *Annual Evaluation Report 1981*, p. 377.
[164] 20 U.S.C.A. §1087dd(c)(1)(D) (West Supp. 1982).
[165] 20 U.S.C.A. §1087dd(c)(1)(A) (West Supp. 1982).
[166] 20 U.S.C.A. §1087dd(c)(2)(A)(i)–(vii) (West Supp. 1982).
[167] *President's FY 83 Proposed Budget Cuts*, p. 45.
[168] Special tabulations of fiscal year 1979 data provided by the Office for Civil Rights, Department of Education. The five States are Arkansas, Oklahoma, Georgia, Florida, and Virginia.
[169] *The Fiscal Year 1983 Budget*, attachment A, p. 25.
[170] Ibid.
[171] Ibid., p. 12.
[172] *FY 83 Proposed Budget Cuts*, p. 46.
[173] Ibid.
[174] Robinson Testimony, table III. Among 4-year public and private institutions, there was a 37 to 40 percent drop in NDSL participation. In 2-year public colleges and universities, the decline was about 65 percent, while in 2-year private schools it was approximately 17 percent.
[175] 42 U.S.C.A. §2751(a) (West Supp. 1982).
[176] 42 U.S.C.A. §2753(b)(6). The Federal contribution may exceed 80 percent under special circumstances.
[177] *Annual Evaluation Report 1981*, p. 382.
[178] 42 U.S.C.A. §2752 (West Supp. 1982).
[179] *President's FY 83 Proposed Budget Cuts*, p. 41.
[180] Ibid., p. 42.

which went to students from families with incomes below $25,000 a year.[181]

The college work-study program is popular both with students and the higher education institutions they attend. Not only does the program help students meet their college expenses, but participants also often receive training and experience in their selected course of study through their part-time jobs.[182] Still other students are employed under the program to support various campus services and activities that the institution might not otherwise be able to provide.[183]

Program data are not routinely collected on the race, ethnic background, and sex of participating students. Nevertheless, information available from other sources suggests that the college work-study program is an important source of financial assistance to women and minority students. Fiscal year 1979 data submitted to the Office for Civil Rights (OCR), Department of Education, by Arkansas, Oklahoma, Georgia, Florida, and Virginia, five States operating under an OCR-approved desegregation plan, show that about half of college work-study program participants are minority men and women.[184] Another approximately 30 percent are white women.[185]

Substantial reductions are being proposed by the administration in the work-study program. From a fiscal year 1981 appropriation level of $550 million, the program is now operating at a level of $528 million under the fiscal year 1982 continuing resolution.[186] A rescission is being requested to reduce the FY 1982 amount further to $484 million.[187] Finally, for fiscal year 1983, $397,500,000 is being requested, for a reduction of about 28 percent over the 2-year period 1981–83.[188]

These reductions, along with other cutbacks in student financial assistance, will necessarily mean that many economically marginal minority and female students will have to forego higher education studies for lack of adequate financial resources. Concomitantly, historically black institutions, which traditionally have served large numbers of disadvantaged blacks, can be expected to experience declines in enrollment and ability to provide services rendered by students on the college work-study program. A harbinger of things to come is evidenced in 1980–81 data furnished by 79 black institutions to the National Association for Equal Opportunity in Higher Education. These data show that in the reporting institutions there was a decline of about 15 percent in participation of students in college work-study employment, a drop attributed by college administrators to cutbacks and uncertainty about the future of student financial assistance.[189]

Strengthening Developing Institutions Program

Under Title III of the Higher Education Act of 1965, as amended, aid is given to 2- and 4-year institutions of higher learning that have relatively low per-pupil expenditures and enroll substantial numbers of low-income and minority students.[190] The objective of the program is to improve the curriculum, faculty, student services, administration, and other institutional operations of these colleges and universities.[191] In accordance with amendments enacted in 1980, three types of grants are awarded. These include:

1. Institutional aid. This is the basic grant program for developing institutions.[192]
2. Aid for institutions with special needs. This provides additional short-term assistance to colleges and universities with extremely low funding, poor physical facilities, large numbers of students receiving need-based Federal student assistance, limited faculty resources and training, inadequate fiscal management, and limited capacity for development, planning, and research.[193]
3. Challenge grants. The purpose of these grants is to match new money institutions have obtained from non-Federal sources.[194]

Title III funds are an important source of financial assistance for traditionally black institutions of higher learning. About 21 percent of Title III aid now

[181] Ibid.
[182] Ibid.
[183] Ibid.
[184] Special tabulations of fiscal year 1979 data provided by the Office for Civil Rights, Department of Education.
[185] Ibid.
[186] *The Fiscal Year 1983 Budget*, attachment A, p. 25.
[187] Ibid.
[188] Ibid.
[189] Robinson Testimony, p. 2 and table III. The decline in college work-study program participation differed by type of institution as follows: 11.7 percent for 4-year public, 20.6 percent for 4-year private, 24.2 percent for 2-year public, and 2.3 percent for 2-year private.
[190] 20 U.S.C.A. §§1058, 1061, 1064 (West Supp. 1982).
[191] 20 U.S.C.A. §§1057, 1060, 1064 (West Supp. 1982).
[192] 20 U.S.C.A. §§1057–59 (West Supp. 1982).
[193] 20 U.S.C.A. §§1060–63 (West Supp. 1982).
[194] 20 U.S.C.A. §§1064–65 (West Supp. 1982).

goes to these black schools, up from 15 percent in past years.[195] By one evaluation of the effect of Title III on traditionally black institutions, this aid has been particularly helpful in improving planning capabilities, management operations, and curriculum development and in upgrading faculty through additional training and professional work.[196]

This is one program benefiting minority institutions for which an increase in appropriations is being sought. From a fiscal year 1981 appropriation of $120 million, Title III is now operating at a level of $124,416,000 under the fiscal year 1982 continuing resolution.[197] The administration is requesting a FY 1982 supplemental of $5,184,000 to raise appropriations to the current authorization level of $129,600,000.[198] Another $129,600,000 in appropriations is proposed for fiscal year 1983.[199] This increase, however, will do little to offset the substantial cutbacks proposed in other institutional and student assistance programs affecting minorities.

Special Programs for Disadvantaged Students (TRIO)

The five special programs for disadvantaged students commonly known as TRIO are distinguished by the type of services provided but unified in their single purpose, namely, to assist disadvantaged students in obtaining a postsecondary education.[200] Authorization for these programs is found in the Higher Education Act of 1965, as amended.[201] They include Upward Bound, talent search, education opportunity centers, special services, and TRIO staff training.[202]

Upward Bound. Upward Bound is targeted on students with academic potential whose high school preparation is inadequate to meet the conventional requirements for admission to college.[203] It is designed to improve skills through remedial instruction, curriculum changes, tutoring, counseling, and cultural exposure.[204] In the 1979–80 school year, about 36,000 students were served, of whom 53 percent were women, 57 percent black, and 14 percent Hispanic.[205] The per pupil cost of Upward Bound was $1,680 in fiscal year 1980.[206]

This expenditure had its rewards. In comparison with comparable nonparticipants, Upward Bound participants were more likely to attend college, to attend a 4-year institution, and to remain in college once enrolled.[207] Participation in need-based student financial aid programs and usage of campus supportive services, such as tutoring and counseling, were also high among Upward Bound students.[208]

Talent Search. The purpose of talent search is to encourage high school or college dropouts with demonstrated aptitude to reenter school.[209] Services include encouragement to complete secondary school and obtain a college degree, provision of information on educational opportunities and financial assistance, help in applying for admission and financial aid, and followup to ensure that clients actually enroll in college and become adjusted to the campus environment.[210]

During academic year 1979–80, about 189,000 young people were served at a per client cost of only $81.[211] The client population was 56 percent female, 42 percent black, and 31 percent other minority.[212] Because of limitations in program data, a thorough review of the effectiveness of talent search is not possible.[213]

Educational Opportunity Centers. These centers serve as recruiting and counseling pools to enable colleges and universities to attract disadvantaged students.[214] The centers provide academic and financial information, assist with applications for admission and financial aid, and offer counseling and tutorial services.[215]

In fiscal year 1979 more than 108,000 clients were served at a per-participant cost of only about $70.[216] Minorities and women were substantially represent-

[195] "Reagan Education Budget Draws Fire from Minority Leaders," *Higher Education Daily*, vol. 10, no. 28 (Feb. 11, 1982), p. 1.
[196] Southern Education Foundation, *A Study of Title III Impact on Historically Black Institutions* (April 1980), pp. 27–34.
[197] *The Fiscal Year 1983 Budget*, attachment A, p. 26..
[198] 20 U.S.C.A. §1069c (West Supp. 1982).
[199] *The Fiscal Year 1983 Budget*, attachment A, p. 26. Of the total appropriation, $60 million each is proposed for institutional and special need grants and $9.6 million for challenge grants.
[200] *See* 20 U.S.C.A. §§1070d to 1070d–1d (West Supp. 1982).
[201] *Id.*
[202] *Id.*
[203] *See* 20 U.S.C.A. §1070d–1a (West Supp. 1982).
[204] *Id.*
[205] *Annual Evaluation Report 1981*, p. 389.
[206] Ibid.
[207] Ibid., pp. 389–90.
[208] Ibid., p. 390.
[209] Ibid., pp. 392–93.
[210] *Id.*
[211] *Annual Evaluation Report 1981*, vol. II, p. 394.
[212] Ibid.
[213] Ibid., pp. 394–95.
[214] 20 U.S.C.A. §1070d–1c (West Supp. 1982).
[215] *Id.*
[216] *Annual Evaluation Report 1981*, vol. II, p. 397.

ed among the people served: 57 percent women, 37 percent black, 21 percent Hispanic, and 3 percent American Indian.[217] No formal evaluation of program effectiveness has been made or is planned.[218]

Special Services. Under this program, grants are awarded to institutions of higher education to provide remedial and bilingual education, guidance, and counseling to educationally, culturally, or economically disadvantaged students, to the physically handicapped, or to students with limited English-speaking ability.[219]

In fiscal year 1979 more than 173,000 students were served at a per-pupil cost of $320.[220] About 40 percent of those served were black, 57 percent women, 15 percent Hispanic, 6 percent physically disabled, and 5 percent of limited English-speaking ability.[221]

A study of the special services program was conducted in the 1979–80 academic year with a followup survey done in the fall of 1982. The results of the base-year study show the short-term effects of the program to be positive. In comparison to similar nonparticipant students, those receiving special services were more than twice as likely to complete the freshman year and, in addition, completed more course units.[222] An assessment of longer term effects awaits publication of the results of the followup survey in mid-1982.[223]

TRIO Staff Training. This program provides financial support for short-term training institutes and inservice training for staff working on TRIO programs.[224] In the past this program has been implemented through the award of contracts to a few institutions each fiscal year to provide training in management, evaluation, counseling, curriculum design, teaching techniques, and the like.[225] Starting with fiscal year 1982, this has been converted to a discretionary grant program.[226] It is expected that about 20 grants will be awarded at an average of $100,000 per grant.[227] No evaluation has been made of the effectiveness of TRIO staff training, and none is planned.[228]

As table A.1 shows, total appropriations for the 5 TRIO programs are proposed to be reduced by about 47 percent between fiscal years 1981 and 1983. Programs, such as Upward Bound and special services, that have been formally evaluated and found effective in reaching minorities and women and raising student performance are being cut back. Other programs, such as talent search and educational opportunity centers, that have not been subject to any formal evaluation of effectiveness but, nevertheless, have reached a large proportion of minorities and women and have operated at low per client cost are being phased out altogether. These budget reductions will foreclose access to postsecondary education for hundreds of thousands of women and minority young people.

Legal Training for the Disadvantaged

Under Title IX, part D, of the Higher Education Act of 1965, the Department of Education has funded grants to the Council on Legal Educational Opportunity (CLEO) to help minority and disadvantaged persons to enter law school.[229] CLEO conducts a nationwide search for candidates to participate in the program. Participants must have been unable to gain admission to law school for economic reasons or for lack of adequate academic credentials.[230] Selected candidates are given 6 weeks of intensive training the summer prior to law school.[231] The students then begin 3 years of law school during which they receive an annual fellowship of $1,000.[232] In addition, participating schools waive tuition and fees.[233]

Substantial efforts have been made to attract minorities and women into the program. Of the 568 participants in 1979, 46 percent were women, 53.3 percent black, 36.6 percent Hispanic, 2.8 percent Asian and Pacific Island American, and 0.5 percent American Indian.[234]

The CLEO program has been an enormous success. In a 1978 survey of participants, CLEO found that although mean admission test scores of CLEO fellows were considerably lower than the

[217] Ibid.
[218] Ibid., p. 398.
[219] 20 U.S.C.A. §1070d–1b (West Supp. 1982).
[220] *Annual Evaluation Report 1981*, vol. II, p. 400.
[221] Ibid.
[222] Ibid., p. 402.
[223] Ibid.
[224] 20 U.S.C.A. §1070d–1d (West Supp. 1982).
[225] *Annual Evaluation Report 1981*, pp. 416–17.
[226] Ibid., p. 416.
[227] Ibid., p. 416.
[228] Ibid., p. 417.
[229] Ibid., p. 437. *See* 20 U.S.C.A. §1134–1 (West Supp. 1982).
[230] *Annual Evaluation Report 1981*, vol. II, p. 437.
[231] Ibid., p. 438.
[232] Ibid.
[233] Ibid.
[234] Ibid., pp. 435 and 442.

TABLE A.1

Appropriations for TRIO Programs, FY 1981–FY 1983

(In thousands)

Program	FY 81 Actual	FY 82 Continuing resolution	FY 82 Revised request	FY 83 Proposed budget
Talent search	$ 17,100	$ 16,416	$ 15,488	$ 0
Upward Bound	66,500	63,840	59,576	24,875
Special services	63,900	61,344	57,376	57,376
Education opportunities centers	8,000	7,680	7,040	0
Staff training	1,000	960	880	0
TOTAL	156,500	150,240	140,360	82,251

Source: U.S., Department of Education/Foundation for Education Assistance, *The Fiscal Year 1983 Budget* (Feb. 8, 1982), attachment A, p. 25.

national average, their academic standing was amazingly good. Eighty-seven percent of participants were in good standing at the end of the first year, 94.1 percent at the end of the second year, and 99.6 percent at the end of the third year.[235] The survey also found that 73.9 percent passed the bar examination by their second attempt, comparing favorably to the national bar passage rate of 74 percent.[236]

Despite the success of this program, however, the administration is planning to phase it out. From an appropriation level of $1 million in fiscal year 1981, appropriations are down to $960,000 under the fiscal year 1982 continuing resolution.[237] A rescission of $80,000 has been requested to reduce FY 1982 spending further to $880,000.[238] Ignoring a fiscal year 1983 authorization level of $1 million,[239] no new funding is being requested.[240] Elimination of a program that has served minority and female law students so well belies the administration's commitment to equal educational opportunity.

Graduate and Professional Opportunities Program

Authority for the graduate and professional opportunities Program (G*POP) is found in Title IX of the Higher Education Act of 1965, as amended.[241] G*POP is a fellowship program administered by the Department of Education through grants to colleges and universities.[242] One of the purposes of the program is to increase the representation of minorities and women at graduate and professional levels.[243] Fellowships are in the amount of $4,500 plus tuition and fees.[244] Students must be U.S. citizens, demonstrate financial need, be enrolled full time, maintain satisfactory academic progress, and not be employed except on a part-time basis in teaching or research at the institution.[245]

The graduate and professional opportunities program has served its purpose well. In the 1980–81 school year, 801 students in 115 institutions of higher learning were granted G*POP fellowships.[246] Among these students, 51.5 percent were black, 18.6 percent Hispanic, 5.2 percent Asian and Pacific Island American, 2.6 percent American Indian, and 21.9 percent white women.[247]

Congress appropriated $10 million for the G*POP program in fiscal year 1981.[248] Under the fiscal year 1982 continuing resolution, the appropriation level is down to $8.6 million.[249] For fiscal year 1983, $14 million is authorized by the Omnibus Budget Reconciliation Act of 1981.[250] The administration's proposed budget, however, requests no new funding for FY 1983.[251] As its rationale, the Department of Education maintains that "[t]here are a variety of non-Federal sources of financial support available for minorities and women pursuing graduate study. . . .These include. . .postsecondary institutions, private foundations, and business enterprises."[252] Coupled with cutbacks in other areas, however, elimination of this program will seriously undermine the ability of universities to attract and provide financial aid to minorities and women, who are often those with the least amount of private resources.

Land-Grant Colleges and Universities

The land-grant program began with the passage of the Morrill Act of 1862.[253] Under this legislation, land was provided for any State that established an institution of higher learning offering instruction in agriculture and mechanical arts.[254] Later, the Morrill Act of 1890 was enacted to fund the establishment of separate black land-grant colleges in States operating dual systems.[255] Today, there are 74 land-grant colleges of which 16 are predominantly black.[256]

[235] Ibid., p. 439.
[236] Ibid.
[237] *The Fiscal Year 1983 Budget,* attachment A, p. 26..
[238] Ibid.
[239] 20 U.S.C.A. §1134 (West Supp. 1982).
[240] *The Fiscal Year 1983 Budget,* attachment A, p. 26.
[241] 20 U.S.C.A. §§1134d–1134g (West Supp. 1982).
[242] *See* 20 U.S.C.A. §1134e (West Supp. 1982).
[243] *Id.* Two other groups receiving grants in this program are individuals planning to pursue a public service career and those planning advanced studies in domestic mining and fuel conservation.
[244] *President's FY 83 Proposed Budget Cuts,* p. 62.
[245] Ibid.
[246] *The Fiscal Year 1983 Budget,* p. 15.
[247] Ibid.
[248] Ibid., attachment A, p. 26.
[249] Ibid.
[250] 20 U.S.C.A. §1134g (West Supp. 1982).
[251] *The Fiscal Year 1983 Budget,* attachment A, p. 26.
[252] Ibid., p. 15.
[253] Morrill Act of 1862, ch. 130, 12 Stat. 503 (codified at 7 U.S.C.A. §§301–5, 307, 308 (West 1980)).
[254] *Id.*
[255] Agricultural College Act of 1890, ch. 841, 25 Stat. 417 (codified at 7 U.S.C.A. §§321–29 (West 1980)).
[256] *Annual Evaluation Report 1981* vol. II, p. 479.

The purpose of the land-grant program is to give Federal support for collegiate-level instruction in agriculture and the mechanical arts.[297] Funds may be used, however, to support instruction in English, mathematics, science, and economics.[298] As authorized, the Department of Education annually disburses $50,000 to each of 56 jurisdictions having land-grant colleges for a total appropriation of $2,800,000.[299] The jurisdictions include the 50 States, Puerto Rico, the District of Columbia, Guam, the Virgin Islands, American Samoa, and Micronesia.[300]

The administration acknowledges that land-grant institutions "have provided the bulk of the technical expertise which has made the U.S. agricultural sector the most technologically advanced and dynamic in the world."[301] Nevertheless, it proposes to terminate Department of Education support beginning in fiscal year 1982 with a rescission of the full $21,800,000 currently appropriated.[302] It is maintained that this appropriation is "a very minor source of funds for these colleges and universities, which include some of the strongest and most prestigious institutions of learning in the country."[303]

Although this may be an accurate characterization of many of the predominantly white land-grant colleges, as the Commission pointed out in a recent report, black land-grant institutions historically have not received equal financial support and, therefore, do not have facilities, faculty, or instructional programs to match those of their white counterparts.[304] However small the amount received under this program, it is important to the survival of the poorer, smaller, predominantly black land-grant colleges and universities. The administration does propose to continue aiding the black land-grant institutions through the developing institutions program under Title III of the Higher Education Act of 1965;[305] however, no evidence is provided to show that increased Title III funding will offset losses occasioned by termination of land-grant institutional support under the Morrill Act of 1890.

Minority Institutions Science Improvement Program

The minority institutions science improvement program (MISIP) originally began in 1972 at the National Science Foundation and was transferred in 1980 to the Department of Education.[306] MISIP was established to help minority institutions of higher learning "to develop and maintain quality science education and to improve access to science and engineering careers for pre-college and undergraduate level minority students."[307] Several different types of projects are supported by the program. The vast majority of financial assistance is in the form of institutional and cooperative grants for comprehensive science education projects that are funded at a maximum of $300,000 for 3 years.[308] Design project grants are funded at a maximum of $20,000 for 1 year and provide science planning capability to institutions that have no formal planning mechanisms.[309] Special project grants are for specific science improvement activities and may be funded for as much as $50,000 for 2 years.[310]

Between fiscal years 1972 and 1980, about half of all eligible predominantly minority institutions received MISIP awards.[311] Although the funding for MISIP has been limited to $5 million each year, it has had noticeable positive results for the science programs of recipient institutions. According to a 1979 evaluation, the number of science research projects conducted by faculty has increased as has the time spent on science student career counseling.[312]

Although the MISIP program has enjoyed success despite modest support, it will have to continue with even less financial aid if the administration's proposed fiscal year 1983 budget is adopted. From an expenditure level of $5 million in fiscal year 1981, MISIP is now operating under the fiscal year 1982

[297] See 7 U.S.C.A. §322 (West Supp. 1982).
[298] *Id.*
[299] *Annual Evaluation Report 1981*, vol. II, pp. 477–79.
[300] Ibid., p. 478.
[301] Ibid., p. 479.
[302] *The Fiscal Year 1983 Budget*, attachment E, p. 47.
[303] *Annual Evaluation Report 1981*, p. 479.
[304] Commission on Civil Rights, *The Decline of Black Farming in America* (February 1982), pp. 53–55.
[305] *Annual Evaluation Report 1981*, p. 479.
[306] As originally enacted, see 42 U.S.C. §§1862–69 (1976). For the transfer to the Department of Education, see 20 U.S.C. §§1221e–1b, 3444 (Supp. III 1979).
[307] *Annual Evaluation Report 1981*, vol. II, p. 428.
[308] Ibid., pp. 428–29.
[309] Ibid.
[310] Ibid.
[311] Ibid., p. 430.
[312] Ibid. An assessment of the effect on actual production of science degrees could not be made because of the small size of grants and the relative newness of the program.

continuing resolution at an annual appropriation level of $4.8 million.[273] A rescission of $400,000 is proposed to reduce this amount to $4.4 million.[274] Requested appropriations for fiscal year 1983 are revised down even further to $3,287,000, and the plan is to transfer the program back to the National Science Foundation.[275] This represents a one-third cut from the FY 1981 level. In view of the beneficial effects this program has had on science instruction and research in minority institutions, the proposed cutbacks are, indeed, unfortunate.

Migrant Education

Two programs are authorized by the Higher Education Act of 1965, as amended, to provide grants to colleges and universities to assist migrant and seasonal farmworkers beyond the age of compulsory school attendance to complete their high school education and to enter undergraduate studies at an institution of higher learning.[276] First is the high school equivalency program (HEP), which brings together outreach, teaching, counseling, and placement services to recruit and serve farmworker school dropouts between the ages of 17 and 24 years.[277] Participants receive room and board and a stipend for personal expenses while living on a college or university campus, attending at least 30 hours of class a week in subjects covered by the general education development examination, and receiving any tutoring necessary.[278] Counseling and placement assistance are also given.[279]

The second form of assistance is the college assistance migrant program (CAMP). Participants who are first-year undergraduates are aided in making the transition from secondary to postsecondary education and in completing successfully their first year at college. They receive tuition scholarships, a stipend for personal expenses, tutoring, counseling, and help in arranging financing to cover the cost of the remaining 3 years of undergraduate study.[280]

Because the program is directed toward migrant and seasonal farmworkers, the beneficiaries are predominantly Hispanic and black. About 90 percent of the migrant and seasonal farmworker population is Hispanic; most of the remainder is black.[281] These minorities have been served well by these two migrant education programs. During the 1979–80 academic year, 80 percent of HEP participants passed the general education development test, and 90 percent went on to college, job-training programs, or full-time jobs.[282] In the same year, 98 percent of CAMP participants successfully completed their freshman year.[283] Moreover, their grade point average compared favorably with that of other freshmen.[284]

As with several other higher education programs that have benefited minorities, the administration is proposing to phase out both HEP and CAMP. From a fiscal year 1981 appropriation level of $7,303,000 total for the two programs, the current appropriation level under the fiscal year 1982 continuing resolution is down to $7,011,000.[285] A rescission of $364,000 is requested, however, for a revised FY 1982 amount of $6,647,000.[286] No new funding is proposed for fiscal year 1983.[287] These cutbacks, along with the others, can only have a cumulative adverse effect on higher educational opportunities for minorities.

---

[273] *The Fiscal Year 1983 Budget*, attachment A, p. 40.
[274] Ibid.
[275] Ibid.
[276] 20 U.S.C.A. §1070d–2 (West Supp. 1982).
[277] *Annual Evaluation Report 1981*, vol. II, p. 410.
[278] Ibid.
[279] Ibid.
[280] Ibid., p. 411.
[281] E.P. Vecchio and Oscar Cerda, staff of the National Association of Farmworker Organizations, "Discrimination Against Farmworkers in the Insurance Industry," in U.S., Commission on Civil Rights, *Discrimination Against Minorities and Women in Pensions and Health, Life, and Disability Insurance* (April 1978), vol. I, p. 519.
[282] *Annual Evaluation Report 1981*, p. 411.
[283] Ibid.
[284] Ibid.
[285] *The Fiscal Year 1983 Budget*, attachment A, p. 28.
[286] Ibid.
[287] *The Fiscal Year 1983 Budget*, attachment A, p. 28.

★ U. S. GOVERNMENT PRINTING OFFICE : 1982 380-928/114